

Wetlands Bureau Decision Report

Decisions Taken
01/24/2005 to 01/30/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

1999-00098

SERENITY HOMES INC

AUBURN Unnamed Wetland

Requested Action:

Agent for applicant requests amendment to mitigation proposal to eliminate wetland creation.

Conservation Commission/Staff Comments:

Conservation Commission recommends denial, per letter received on December 16, 1999.

Inspection Date: 07/02/2003 by Denise Siraco

APPROVE AMENDMENT:

Amend permit to read: Dredge and fill 24,582 square feet of forested wetland to construct a roadway to a 4-lot subdivision of 53 acres. Mitigate by permanently protecting approximately 30 acres through a conservation easement to be held by the Auburn Conservation Commission.

With Conditions:

With amended conditions:

1. All work shall be in accordance with plans by R.G. Moynihan and R.S.L. Layout & Design dated 1/8/99, as received by the Department on January 21, 1999 and revised plans by R.S.L. Layout & Design, dated 1/10/99, last revised on 11/18/99, as received by the Department on November 19, 1999.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Work shall be done during low flow.
7. This permit is contingent upon the execution of a conservation easement on the subject property which shall designate 30.7 acres of land as conservation land. This conservation land shall be as depicted on plans received November 19, 1999.
8. The final draft language for the conservation easement shall be submitted for DES review and approval prior to construction.
9. The conservation easement shall be written to run with the land, and both existing and future property owners shall be subject to the restrictions set forth.
10. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office and a copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
11. The conservation easement area shall be marked by stakes and signs indicating the location and restrictions of the area prior to construction.
12. There shall be no removal of the existing vegetative undergrowth within the conservation easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
13. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. The proposed amended mitigation proposal that includes protection of approximately 30 acres of land by a conservation easement is sufficient compensation for the project impacts.

2003-02568 GOULD, LOIS
SUNAPEE Lake Sunapee

Requested Action:

Deny application as untimely.

Conservation Commission/Staff Comments:

The Con Com has approved of the proposed project.

Inspection Date: 09/15/2004 by Dale R Keirstead

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Re-configure an existing major docking structure on Lake Sunapee, Sunapee.

With Findings:

1. A request for additional information dated September 16, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2004-01812 MEREDITH VILLAGE SAVINGS BANK
MEREDITH Unnamed Wetland Hawkins Brook

Requested Action:

Redevelop property adjacent to the Town of Meredith Prime Wetland # 22, Hawkins Brook. The proposed project will incorporate reconfiguring the existing parking lot, and structure and provide storm water treatment.

Conservation Commission/Staff Comments:

The conservation commission believes the application warrants approval per their letter dated August 10, 2004.

Inspection Date: 10/13/2004 by Jocelyn S Degler

APPROVE PERMIT:

Redevelop property adjacent to the Town of Meredith Prime Wetland # 22, Hawkins Brook. The proposed project will incorporate reconfiguring the existing parking lot, and structure and provide storm water treatment.

With Conditions:

1. All work shall be in accordance with plans by McFarland and Johnson Inc and Christopher P Williams Architects dated November 30, 2004 and Landscape Plans by Christopher Williams Architects dated August 5, 2004 and revised through December 2, 2004, as received by the Department on December 3, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the

meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

6. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.

7. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

8. The boundaries of the prime wetland and any buffer area shall be clearly marked with orange construction fencing prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.

9. Work shall be done during low flow.

10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.

11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

15. Silt fencing must be removed once the area is stabilized.

16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Mitigation Conditions:

17. The schedule for removal of existing invasive plant species shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.

18. All removal of invasive species shall be in compliance with the recommendations of the NH Department of Agriculture.

19. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the invasive species removal is completed in accordance with Regulations. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

20. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the invasive removal area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.

21. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.

6. The erosion controls, water velocity controls, grass treatment swales, stabilization methods, culvert sizing and invert elevations will protect the ability of the wetlands to retain floodwaters and silt.

7. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program reduces the stormwater entering in the designated prime wetland.

9. DES Wetlands Staff conducted a site inspection on October 13, 2004, based on this inspection the project involves minor environmental impacts.

10. The proposed removal of invasive species and planting of native species will enhance the existing prime wetland buffer.

11. The local conservation commission supports the proposed project.
12. Based on findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

Any party may apply for reconsideration with respect to any matter determined in this action within 28 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

2004-02445 INFANTE, JOSEPH & PATRICIA
NORTHWOOD Unnamed Wetland

Requested Action:

Dredge and fill 660 square feet of forested wetlands to install a 12" x 35' culvert for a shared driveway crossing to two residential lots adjacent to Northwood prime wetlands.

Conservation Commission/Staff Comments:

Con. Com. signed expedited application; did not send in follow-up comments in the period in which the public hearing record was held open for them to do so.

Inspection Date: 11/09/2004 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill 660 square feet of forested wetlands to install a 12" x 35' culvert for a shared driveway crossing to two residential lots adjacent to Northwood prime wetlands.

With Conditions:

1. All work shall be in accordance with plans by Atlantic Survey Co., Inc. dated June 2004, as received by the Department on January 5, 2005.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed for Tax Map 224, lot 33, subdivided lots 1,2, and 3 shall include the conditions of this permit.
5. Orange construction fencing shall be placed at the limits of construction; siltation/erosion controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Erosion control and construction sequence notes on the approved plans shall be explicitly followed.
7. A professional engineer shall inspect the project to insure compliance with approved plans and permit conditions.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. A prime wetlands public hearing was held on 1/5/2005.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The applicant has demonstrated that there is no alternative but to cross wetlands to reach the buildable portion of the lot, and has located the crossing at the narrowest crossing point. The proposal is located across a town road from the prime wetland and the applicant has further demonstrated that there is no direct hydrologic connection from the wetlands on the project site to the prime wetland.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application

Evaluation, has been considered in the design of the project.

6. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
7. Based on the inspection conducted on 11/9/04 by DES wetlands staff, the project involves minor environmental impacts.
8. Based on findings # 1-6 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

Any party may apply for reconsideration with respect to any matter determined in this action within 28 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

2004-02551 NORTHERN UTILITIES INC
HAMPTON Hampton River

Requested Action:

Impact a total of 1,125 square feet of sand dune at two (2) locations (900sq.ft. and 225 sq.ft.) to excavate jacking pits to install new natural gas lines beneath Ocean Blvd.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission has no objection with the issuance of the permit

Inspection Date: 09/02/2004 by Frank D Richardson

APPROVE PERMIT:

Impact a total of 1,125 square feet of sand dune at two (2) locations (900sq.ft. and 225 sq.ft.) to excavate jacking pits to install new natural gas lines beneath Ocean Blvd.

With Conditions:

1. All work shall be in accordance with plans by SGC Engineering, LLC, as received by the Department on January 21, 2005.
2. The applicant shall notify in writing NHDES Wetlands Bureau Coastal Staff and the Hampton Conservation Commission of their intention to commence construction no less than five (5) business days prior to the start of construction.
3. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Sand dune vegetation shall segregated from subsoil during construction. Sand dune vegetation shall be stockpiled separately from subsoils and shall be replanted and restored following backfill.
6. Sand dune areas shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
7. A post-construction report documenting status of sand dune restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.
8. Sand dune restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application

Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on September 02, 2004. Field inspection determined this project is for a public utility installation and the impacts to sand dunes have been minimized.

6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this sand dune ecosystem.

7. A memo dated November 8, 2004 from the NHNHB identified two (2) exemplary natural communities within the project site: Beach grass grassland and High salt marsh. Additionally, seven (6) plant species were identified: Beach Grass (*Ammophila breviligulata*). The following [plant species as endangered with the state: Gray's Umbrella-sedge (*Cyperus grayi*); Sea-beach Needlegrass (*Aristida tuberculosa*). The following plant species as threatened within the state: Hairy Hudsonia (*Hudsonia tomentosa*); Sand Drop-seed (*Sporobolus cryptandrus*); and Tall Wormwood (*Artemisia campestris* ssp. *Caudate*).

8. The Department finds that none of the aforementioned communities or plant species will be adversely impacted.

MINOR IMPACT PROJECT

2002-02013 HOYT TRUSTEES, CHARLES & ELIZABETH
GILFORD Lake Winnepesaukee

Requested Action:

Deny application as untimely.

Conservation Commission/Staff Comments:

Con Com has no objections.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge 999 sqft located in existing slips, replace 4 pilings on Lake Winnepesaukee, Gilford.

With Findings:

1. A request for additional information dated July 2, 2003, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.

2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.

3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2004-00269 CONCORD TERMINAL CORPORATION & NSB LLC
CONCORD Unnamed Wetland

Requested Action:

Dredge and fill 16,888 square feet of man made isolated palustrine forested wetland for lot development and access. Mitigate for the proposed impacts by placing 6.14 acres into conservation easement including 2.14 acres of upland and 4.0 acres of wetland.

Conservation Commission/Staff Comments:

The conservation commission does not object to the proposed application.

APPROVE PERMIT:

Dredge and fill 16,888 square feet of man made isolated palustrine forested wetland for lot development and access. Mitigate for the proposed impacts by placing 6.14 acres into conservation easement including 2.14 acres of upland and 4.0 acres of wetland.

With Conditions:

1. All work shall be in accordance with plans by McFarland Johnson Inc dated January 23, 2004, and revised through April 6, 2004, as received by the Department on April 6, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Work shall be conducted during low water conditions.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or in the proposed easement area.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Silt fencing must be removed once the area is stabilized.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Mitigation Conditions:

14. This permit is contingent upon the execution of a conservation easement on 6.14 acres as depicted on plans by Burd Engineering dated January 22, 2004, as received by the Department by August 12, 2004.
15. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
16. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
17. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
18. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
19. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
20. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
21. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
22. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities

shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on April 14, 2004. Field inspection determined the wetlands were isolated full of pollution and also included invasive species.
6. The proposed application was submitted prior to the formal adoption of the mitigation rules.
7. DES has received a phone call from the City of Concord Planning Department and a letter from the conservation commission stating they are willing to hold the easement area.
8. The conservation commission has no concerns with the proposed project.
9. The Merrimack River Local Advisory Committee has no concerns with the proposed project.
10. NH Fish and Game initially had concerns regarding the species *Clemmys guttata*, Spotted Turtle, however, it was determined that this species is more likely to utilize the wetlands in the conservation easement area and known occurrences are on the other side of US Rte 93 which is likely to be a barrier to this species.

2004-00535 RYAN, E DOUGLAS
CONCORD Unnamed Wetland

Requested Action:

Fill 2900 square feet of man made wetland/detention area for traffic flow improvements and additional parking.

Conservation Commission/Staff Comments:

The conservation commission did not comment on this application.

APPROVE PERMIT:

Fill 2900 square feet of man made wetland/detention area for traffic flow improvements and additional parking.

With Conditions:

1. All work shall be in accordance with plans by Eric C Mitchell and Associates Inc dated March 18, 2004 and revised through September 27, 2004, as received by the Department on October 4, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by netting and pinning on slopes steeper than 3:1.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The wetland to be impacted is a man made detention basin.

4. The applicant has replicated the functions of the detention basin by creating an underground storm water storage system.
5. Treatment of storm water will be achieved by sediment traps and oil hoods in the proposed catch basins.
6. The applicant proposes to correctly size the culvert under Branch Turnpike which will improve the existing scour situation.
7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
8. The applicant has provided a letter from representatives of the City of Concord stating their overall acceptance of the fill within the Branch Turnpike Right-of-Way.

2004-01654

L L COTE COMPANY

ERROL Unnamed Wetland Androscoggin River

Requested Action:

Retain 8,260 square feet of fill within a palustrine scrub shrub wetland including 28 linear feet of impact within a perennial stream to maintain an existing culvert and maintenance shop, and impact an additional 1,040 square feet of wetland and 60 linear feet of a perennial stream to extend an existing culvert to provide adequate access. In addition, 12,720 square feet of previously filled palustrine scrub shrub wetland will be restored by removing fill, regrading and replanting the area to replace lost functions and values.

Inspection Date: 04/22/2004 by Linda M Magoon

APPROVE PERMIT:

Retain 8,260 square feet of fill within a palustrine scrub shrub wetland including 28 linear feet of impact within a perennial stream to maintain an existing culvert and maintenance shop, and impact an additional 1,040 square feet of wetland and 60 linear feet of a perennial stream to extend an existing culvert to provide adequate access. In addition, 12,720 square feet of previously filled palustrine scrub shrub wetland will be restored by removing fill, regrading and replanting the area to replace lost functions and values.

With Conditions:

1. All work shall be in accordance with plans and revisions by Lobdell Associates Inc, as received by the Department on 01/24/05.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

RESTORATION CONDITIONS:

12. This permit is contingent upon the restoration of 12,720 square feet of wetlands in accordance with restoration plans received on 11/29/04 and 1/24/05.

13. This permit is contingent upon the creation of an educational display that promotes to the public the benefits of wetland function and values. The final plans for the display shall be reviewed and approved by the Wetland Bureau's Compliance Section.
14. The schedule for completing the restoration area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
15. The restoration area shall be properly constructed, monitored, and managed in accordance with approved final restoration plans.
16. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
17. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
18. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1, 2005. Similar inspections, reports and remedial actions shall be undertaken in the second year following the completion of the restoration area and shall be submitted by October 1, 2006.
19. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
20. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
21. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

With Findings:

1. This project is classified as a Minor Project per NH Administrative Rule 303.03 (h) and (l), as wetland impacts are less than 20,000 square feet and impacts to the perennial stream are less than 200 linear feet.

2004-02851 HOOKSETT, TOWN OF
HOOKSETT Unnamed Stream

Requested Action:

Dredge and fill a total of 1,500 sq. ft. (66 linear ft.) in a perennial stream to install a 27" x 55' replacement culvert on Berry Hill Rd.

Conservation Commission/Staff Comments:

Con. Com. did not report.

APPROVE PERMIT:

Dredge and fill a total of 1,500 sq. ft. (66 linear ft.) in a perennial stream to install a 27" x 55' replacement culvert on Berry Hill Rd.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstrom Inc. sheet 3 of 16 entitled Berry Hill Estates dated 9/15/04, as received by the Department on 11/29/04, and per revised plan detail of sheet 3 of 16 by Keach-Nordstrom, Inc., received by the Department 1/25/05.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Cofferdams shall be removed at the completion of work.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), projects that disturb less than 200 linear ft. of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2004-02866 UNITED CONSTRUCTION CORP, TODD WHIPPLE
NEWPORT Unnamed Wetland

Requested Action:

Dredge and fill 16,839 square feet of palustrine scrub shrub and forested wetlands associated with three perennial stream channel crossings to provide access for Phase III of a subdivision known as Sugar Brook. Dredge and fill approximately 697 square feet of palustrine scrub shrub wetlands within a perennial stream to reconstruct an existing dam. Restore approximately 21,300 square feet of palustrine scrub shrub wetlands associated with a perennial stream channel to include side slope impacts associated with regrading of an existing woods road. Construct 26,700 square feet of wetlands adjacent to exiting wetlands and preserve 24.19 acres of Common Land as compensatory mitigation for project-related wetland impacts.

Conservation Commission/Staff Comments:

File 2003-1314 has been closed and incorporated into file 2004-2866 effective 11/29/04.
Conservation commission requested a hold on the review, effective December 8, 2004.
Conservation commission submitted a report on January 3, 2005.

Inspection Date: 10/27/2003 by Jeffrey D Blecharczyk
Inspection Date: 09/13/2004 by Jeffrey D Blecharczyk
Inspection Date: 10/26/2004 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Dredge and fill 16,839 square feet of palustrine scrub shrub and forested wetlands associated with three perennial stream channel crossings to provide access for Phase III of a subdivision known as Sugar Brook. Dredge and fill approximately 697 square feet of palustrine scrub shrub wetlands within a perennial stream to reconstruct an existing dam. Restore approximately 21,300 square feet of palustrine scrub shrub wetlands associated with a perennial stream channel to include side slope impacts associated with regrading of an existing woods road. Construct 26,700 square feet of wetlands adjacent to exiting wetlands and preserve 24.19 acres of Common Land as compensatory mitigation for project-related wetland impacts.

With Conditions:

1. All work shall be in accordance with plans and project descriptions prepared by CLD Consulting Engineers; wetland impact plans revised November 15, 2004, wetland restoration addendum dated November 23, 2004, and wetland creation addendum revised November 11, 2004, as received by the Department on November 29, 2004.
2. This permit for reconstruction of the dam is contingent on approval by the DES Dam Safety Program.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. This permit is contingent upon the establishment of 24.19 acres of open space as depicted on plans received November 29, 2004.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #7 of this approval.
9. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
10. Work shall be done during low flow.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Culvert outlets shall be properly rip rapped.
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Wetland Restoration:

18. This permit is contingent upon the restoration of approximately 21,300 sq. ft. of wetlands in accordance with plans and project description received November 29, 2004.
19. The schedule for the restoration areas associated with existing access roads shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.

Wetland Creation:

20. This permit is contingent upon the creation of approximately 26,700 sq. ft. of wetlands in accordance with plans and project description received November 29, 2004.
21. The wetland creation areas shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.

Wetland restoration and construction monitoring:

22. The restoration and constructed wetland areas shall be properly monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
23. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration and constructed wetland areas are completed in accordance with the approved plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

24. The designated professional shall conduct a follow-up inspection after the first growing season, to review the success of the restoration and constructed wetland areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
25. Wetland restoration and construction areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
26. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
27. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This project impacts 17,809 sq ft of jurisdictional wetlands and is therefore a minor impact project per Administrative Rule Wt 303.03(h), for alteration of less than 20,000 sq ft of nontidal wetlands
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 27, 2003. Field inspection conducted to assess the extent of previous impacts (Culvert replacement and roadway upgrades for forestry practices). Site presently stable, debris from washout located in wetlands immediately downstream.
6. DES Staff conducted a field inspection of the proposed project on September 13, 2004. Field inspection determined no new wetland crossings were found on the property. DES Staff did document minimal logging violations (slash, bark mulch), impacting approximately 300 sq ft in jurisdictional wetlands.
7. DES Staff conducted a field inspection of the proposed project on October 26, 2004. Field inspection determined site stable, no additional work in wetlands.
8. The conservation commission recommended reducing impacts by eliminating the loop road and two wetland crossings with the establishment of turnarounds
9. The Department has determined the impacts to wetlands have been minimized for the proposed crossings. Additional consideration for establishment of roadway layouts, cul-de-sacs and loop roads to minimize impacts are governed by the local planning and zoning ordinances related to safety, infrastructure and local ordinances.
10. The conservation commission expressed concerns related to potential violations in jurisdictional wetlands.
11. The Department has determined the proposed restoration plans adequately address the restoration of areas previously disturbed.
12. The applicant has proposed to mitigate impacts through the creation of wetlands which requires 1.5 times the impacts to be created.
13. The total impacts for the project are 17,819 sq ft, and the proposed creation is 26,700 sq ft, or 1.5 times the proposed impacts.
14. The Department has determined the proposed mitigation offsets the impacts to wetlands related to the proposed site development.
15. The Department has determined the proposed project will have minimal impacts on the environment.

MINIMUM IMPACT PROJECT

2004-00471 HERTEL, VAN
OSSIPEE Unnamed Stream

Requested Action:

Retain and upgrade forestry crossing for access to a single family residence

Conservation Commission/Staff Comments:

Conservation Commission requested an intervention on March 22, 2004.

Phone call to the town offices on May 6, 2004, confirmed no additional comments would be submitted by the Conservation Commission.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Retain and upgrade forestry crossing for access to a single family residence

With Findings:

1. A request for additional information dated May 6, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2004-01323 LEIGHTON 1998 TRUST, BRADLEY
MEREDITH Unnamed Wetland**

Requested Action:

Approve name change to: R. J. Moreau Communities ,LLC, 22 Eastman Ave., Bedford NH 03110 per request received 1/26/2005.

Conservation Commission/Staff Comments:

The conservation commission recommends approval of the proposed project.

APPROVE NAME CHANGE:

Impact 108 square feet of poorly drained isolated palustrine forested wetland for lot development and construction of stormwater treatment in the development of 14.21 acres into 58 condominium units.

With Conditions:

1. All work shall be in accordance with plans by Steven J Smith Associates Inc dated May 12,2004, as received by the Department on June 17, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, drainage structures, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #x of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Silt fencing must be removed once the area is stabilized.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2004-01326 COVIELLO, ANNEMARIE/JAMES
BELMONT Unnamed Wetland

Requested Action:

Dredge and fill a total of 1200 square feet of forested wetland including impacts to 40 linear feet of intermittent stream for logging access and proposed residential home access.

Conservation Commission/Staff Comments:

The Belmont conservation commission did not comment on this application.

APPROVE PERMIT:

Dredge and fill a total of 1200 square feet of forested wetland including impacts to 40 linear feet of intermittent stream for logging access and proposed residential home access.

With Conditions:

1. All work shall be in accordance with plans by Harold E Johnson dated June 11, 2004, and revised through December 20, 2004, as received by the Department on January 12, 2005.
2. This permit is contingent upon restoration as approved and conditioned by the NH DES Wetlands Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. The applicant shall notify in writing the
DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
5. Work shall be done during periods of non-flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted

to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Wt 204.06.
5. DES Staff conducted a field inspection of the proposed project on December 28, 2004. Field inspection determined the main entrance crossing is indeed over an intermittent stream not man made drainage ditch.

2004-02253 COOPER, WILLIAM
AUBURN Calef Lake

Requested Action:

Fill a total of 1,601 square feet of forested wetlands to install twin 24-inch by 30 foot culverts (impacting 871sq.ft.) and a 12-inch by 30 foot culvert (impacting 730sq.ft.) to upgrade an existing woods road for access on a commercial lot of 33.13 acres.

Conservation Commission/Staff Comments:

The Auburn Conservation Commission did not comment on the project.

APPROVE PERMIT:

Fill a total of 1,601 square feet of forested wetlands to install twin 24-inch by 30 foot culverts (impacting 871sq.ft.) and a 12-inch by 30 foot culvert (impacting 730sq.ft.) to upgrade an existing woods road for access on a commercial lot of 33.13 acres.

With Conditions:

1. All work shall be in accordance with plans by Jones and Beach Engineers, Inc. dated May 1, 1997 with revisions through December 20, 2004, as received by the Department on January 10, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Work shall be done during low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-02290 GREEN MEADOWS MOBILE HOMES
CONCORD Beaver Meadow Brook

Requested Action:

Repair and replace existing headers and remove approximately 12 cubic yards of material from the upstream side of the culvert inlet

Conservation Commission/Staff Comments:

No comments from the conservation commission.

APPROVE PERMIT:

Repair and replace existing headers and remove approximately 12 cubic yards of material from the upstream side of the culvert inlet

With Conditions:

1. All work shall be in accordance with plans and project description by Irene Garvey, as received by the Department on January 21, 2005.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(x), repair and replacement of headwalls.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided information that demonstrates accumulated sediments are the result of the failed headers.
6. The Department has determined the removal of accumulated sediments will provide a benefit to the stream channel.

2004-02337 REID, MICHAEL & WINNIE
NEW HAMPTON Lake Winona

Requested Action:

Appellant requests reconsideration of decision to approve impacts for the repair of the shoreline, installation of steps and the construction of a seasonal dock because the permit was issued without the consent of the affected abutter for work within the 20 ft setback.

Conservation Commission/Staff Comments:

Con. Com. did not comment on project.

DENY RECONSIDERATION:

Reconsider and re-affirm the approval of the permit to: Repair an existing 25 linear ft wall in-kind, replace existing steps in-kind, install 3 ft wide steps accessing the water and install a 4 ft x 15 ft seasonal dock on an average of 45 ft of frontage on Lake Winona, New Hampton.

With Findings:

Grounds for Reconsideration

1. The Appellant alleges the permit was issued for work within the 20 ft abutter setback without the required waiver of the setback from the affected abutter.

Standards for Approval

2. In accordance with RSA 482-A:10, II Appeals, "a request for reconsideration shall be filed with the department within 20 days of issuance of the department's decision or order."
3. By statute, the Department has no discretion to waive or extend this deadline.

Findings of Fact

4. The Applicant's application is to repair an existing wall, add access steps, construct a 4 ft by 24 ft seasonal dock and construct a walkway over the bank on 45 ft of frontage on Lake Winona.
5. The Applicant submitted an amended plan with the walkway over the bank removed and the access steps moved to a location within the 20 ft setback to the property line. The proposed seasonal pier is within 20 ft of the imaginary extension of both property lines.
6. The agent for the applicant did not obtain permission from the abutter who owns the lot identified as New Hampton Tax Map U13, Lot 15 for the work within the 20 ft setback.
7. The Department issued a permit for work within the 20 ft setback without the consent of the affected abutter on December 23, 2004.
8. The deadline to make a request for reconsideration of the Department's decision was January 12, 2005.
9. The Motion for Reconsideration, dated January 19, 2005 was received by the Department on January 20, 2005, 28 days after the issuance of the Department's decision.

Rulings in Support of the Decision

10. The department did not receive a timely request for reconsideration therefore the decision stands as issued.

2004-02446

OLSON, TED

ANTRIM Unnamed Wetland

Requested Action:

Fill approximately 750 square feet of forested wetland to install a 12-inch by 22 foot culvert for access to a single family residential lot of approximately 2.6 acres as part of a 3-lot subdivision of approximately 8.2 acres.

Conservation Commission/Staff Comments:

the Antrim Conservation Commission did not comment.

APPROVE AMENDMENT:

Fill approximately 750 square feet of forested wetland to install a 12-inch by 22 foot culvert for access to a single family residential lot of approximately 2.6 acres as part of a 3-lot subdivision of approximately 8.2 acres.

With Conditions:

1. All work shall be in accordance with plans:
 - a.) The Driveway Plan (Sheet 1 of 1) by Meridian Land Services, Inc. dated September 29, 2004;
 - b.) The 3 Lot Subdivision Plan (Sheet 1 of 1) by Vorce, Soney and Assoc., Inc dated September 15, 2004 as both were received by the Department on November 15, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-03057 LIVINGTON, SAYLES
EASTON Unnamed Wetland

Requested Action:

Retain 2030 square feet including 12-inch x 20 foot culvert for access to a proposed single family residence.

Conservation Commission/Staff Comments:

The conservation commission did not comment on this application.

APPROVE AFTER THE FACT:

Retain 2030 square feet including 12-inch x 20 foot culvert for access to a proposed single family residence.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Wt 204.06.

FORESTRY NOTIFICATION

2005-00101 PETER & GARY LLC
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax map 22, Lot# 13

2005-00103 PLUM CREEK MAINE TIMBERLANDS LLC
WENTWORTHS LOCA Unnamed Stream

COMPLETE NOTIFICATION:
Wentworth Location Tax map 1628, Lot# 3

2005-00142 COPE, DONALD
TUFTONBORO Unnamed Stream

COMPLETE NOTIFICATION:
Tuftonboro Tax map 59, Lot# 23

2005-00143 RIEL, LEONARD & JOAN
PITTSFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Pittsfield Tax map R5, Lot# 18

2005-00144 ALT, JAMES & LIZ MCCARTHY
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Tamworth Tax Map 414, LOT# 79

2005-00145 MURRAY, GEORGE & CAROL
EPSOM Unnamed Stream

COMPLETE NOTIFICATION:
Epsom Tax Map R2, Lot# 71

2005-00146 KOKAL, ANDRE
GREENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Greenfield Tax Map R6, Lot# 3

2005-00147 RODES LLC, STEWART
PITTSFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Pittsfield Tax Map R20, Lot# 7

2005-00148 MAJOR WALDRON'S SPORTMANS CLUB
BARRINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Barrington Tax Map 237, Lot# 4

2005-00149 SCHWAEGLER, BRUCE
ORFORD Unnamed Stream

COMPLETE NOTIFICATION:
Orford Tax Map 8-27 & 8-29, Lot# 1A & 59, 59A & 59B

EXPEDITED MINIMUM

2004-01689 ROSENTHAL, DEB
NEW IPSWICH Pratt Pond

Requested Action:
Deny application as un-timely.

Conservation Commission/Staff Comments:
Con Com did not sign Exp Application and does not approve the application as submitted.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:
Construct a 256 sqft sloped beach on Pratt Pond, New Ipswich.

With Findings:

1. A request for additional information dated August 20, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.

3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2004-01711 LEMPSTER, TOWN OF
LEMPSTER Purmont Brook

Requested Action:

Replace two existing 36" culverts with 42" culverts on Grandview Avenue

Conservation Commission/Staff Comments:

Conservation commission signed the expedited application

APPROVE PERMIT:

Replace two existing 36" culverts with 42" culverts on Grandview Avenue

With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by the Department on July 12, 2004.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Proper headwalls shall be constructed within seven days of culvert installation.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2004-01995 COLLINS, CHRISTOPHER & CHRISTINE
MEREDITH Lake Winnepesaukee

Requested Action:

Construct a 254 sqft perched beach on 145 ft of frontage on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con. Com. signed application

DENY PERMIT:

Construct a 254 sqft perched beach on 145 ft of frontage on Lake Winnepesaukee, Meredith.

With Findings:

Standards for Approval

1. In accordance with Rule Wt 303.02, 303.03, 303.04 placing of sand for beach construction or replenishment requires a permit from the Department.
2. In accordance with Rule Wt 302.03, Avoidance and Minimization, applicants shall provide evidence that their proposal is the

least impacting alternative solution.

3. In accordance with RSA 483-B:3, Consistency Required, State and local permits for work within the protected shorelands shall be issued only when consistent with policies of this chapter.

4. In accordance with Env-Ws 1405.05, Placement, states that no structure shall be built on a slope greater than 25%.

Findings of Fact

5. The Department received an application from the applicant on August 24, 2004 for the construction of a perched beach on 145 ft of frontage on Lake Winnepesaukee.

6. The Department sent a letter dated September 21, 2004 requesting plans with profiles of the project showing existing and completed profiles. The letter stated all information must be received by the Bureau by January 19, 2005 or the project will be denied.

7. The Department received the requested information on January 19, 2005.

8. The submitted cross section plan shows an average slope of more than 30 percent.

Findings in Support of Denial

9. Pursuant to RSA 483-B:3, Env-Ws 1405.05 and Department letter of policy dated January 11, 2001, the Bureau shall not issue a permit for any project adjacent to surface waters that would modify an average grade of 25% or greater.

10. The proposed plan is for the construction of a structure within the bank of the waterbody with an average slope of more than 25 percent and therefore is not approvable.

2004-02175 NHDOT PORTSMOUTH Unnamed Wetland

Requested Action:

Dredge and fill approximately 140 square feet within Great Bog to replace 14 wooden utility poles within an existing utility right-of-way.

Conservation Commission/Staff Comments:

The Portsmouth Conservation Commission signed the Minimum Impact Expedited Application.

Inspection Date: 01/28/2005 by Eben M Lewis

APPROVE PERMIT:

Dredge and fill approximately 140 square feet within Great Bog to replace 14 wooden utility poles within an existing utility right-of-way.

With Conditions:

1. All work shall be in accordance with plans by Public Service of New Hampshire (PSNH) dated November 1, 2004, as received by the Department on November 2, 2004.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. All work shall be conducted during frozen soil conditions to minimize wetlands impacts.

4. At least seven days prior to the start of construction activities in Great Bog the permittee shall notify in writing the NHDES Wetlands Bureau and the Portsmouth Conservation Commission of the date project construction is proposed to begin.

5. Appropriate erosion, siltation and turbidity controls shall be installed prior to utility pole installation, shall be maintained during installation, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Timber or natural fiber mats or corduroy shall be used, where necessary, to stabilize the right-of-way in wetlands to prevent rutting of the soil. These materials shall be entirely removed from wetlands immediately following completion of work.

7. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas

and shall not be buried in wetlands.

8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.

9. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in their use.

10. All refueling of equipment shall occur at least 100 feet from surface waters or wetlands during construction.

11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

With Findings:

1. The project is categorized as a Minimum Impact Project, per Administrative Rule Wt 303.04(o), based on the degree of environmental impact.

2. On January 28, 2005 NHDES Wetlands Bureau staff conducted a field inspection of the site. Beginning at rail road tracks closest to RT.33 NHDES Wetlands Bureau staff, accompanied by a PSNH staff member, walked along the approximate alignment of the proposed utility pole replacement within Great Bog. Based on review of the site, and based on information contained in the application and supporting documentation, the Department finds that the project will not have a significant adverse impact on Great Bog. 3. In a memo dated September 20, 2004, the NH Natural Heritage Bureau informed the NHDES Wetlands Bureau that the following rare species have been documented in the project vicinity: a. Hairy-fruited Sedge (*Carex trichocarpa*); b. Atlantic White Cedar (*Chamaecyparis thyoides*). Based on review of the map provided by the NH Natural Heritage Bureau depicting the known locations of these species, and based on the field inspection conducted by NHDES Wetlands Bureau staff, during which none of the aforementioned species were observed, the Department finds that the project will not adversely impact these species.

4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-02421 SOUTHERLEE SHORES ASSOCIATION, C/O KEVIN DELROSSI
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Construct two sets of stone steps to access two docks on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Construct two sets of stone steps to access two docks on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Landscapes by Tom, as received by the Department on January 18, 2005.

2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

3. Dredged material construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

2004-02760 PETERSON, RICHARD
PIERMONT Unnamed Wetland

Requested Action:

Impact 5,000 square feet of wet meadow to construct a 50-foot by 100-foot wildlife pond on a single family residential lot of 6.52 acres.

Conservation Commission/Staff Comments:

The Piermont Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 5,000 square feet of wet meadow to construct a 50-foot by 100-foot wildlife pond on a single family residential lot of 6.52 acres.

With Conditions:

1. All work shall be in accordance with plans by Richard F. Peterson dated October 2004 and December 29, 2004, as received by the Department on January 4, 2005.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Stockpiled dredged material shall be dewatered in upland areas to sedimentation basins lined with erosion and siltation controls to prevent water quality degradation.
5. Dewatering areas must be located at least 20 feet away from jurisdictional areas;
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Work shall be done during low flow conditions.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(p) Construction of a pond with less than 20,000 sq.ft. of wetlands impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-02801 SMITH, ANSON & GENEVIEVE
CANAAN Unnamed Wetland

Requested Action:

Fill 973 square feet of forested wetland for the construction of a roadway, cul-de-sac, and shared drive as part of a 13-lot subdivision on 43.7 acres.

Conservation Commission/Staff Comments:

The Canaan Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Fill 973 square feet of forested wetland for the construction of a roadway, cul-de-sac, and shared drive as part of a 13-lot subdivision on 43.7 acres.

With Conditions:

1. All work shall be in accordance with the following plans received by the Department on January 7, 2005:
 - a.) Wetland Impact Zones A & B by Erin Darrow dated October 14, 2004;
 - b.) Plan by Central Land Surveying, Inc. dated October 12, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Work shall be done during low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-02854

COLLIER 1993 TRUST, JAN

RYE Rye River

Requested Action:

Impact a total of 2,400 square feet within the Tidal Buffer Zone to raise the existing dwelling and pour a concrete foundation, driveway improvements, and landscaping on a single family residential lot on 1.52 acres with 63 feet of shoreline frontage on Rye Harbor.

Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 2,400 square feet within the Tidal Buffer Zone to raise the existing dwelling and pour a concrete foundation, driveway improvements, and landscaping on a single family residential lot on 1.52 acres with 63 feet of shoreline frontage on Rye Harbor.

With Conditions:

1. All work shall be in accordance with the Wetland Impact Plan by Millette, Sprague, & Colwell, Inc. dated November 10, 2004, as received by the Department on November 29, 2004.
2. NH DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. There shall be no further alteration of jurisdictional areas for lot development, driveways, culverts, or for any other construction activities.

5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. New driveway surface shall remain permeable.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b) Projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant received consent from the abutter identified as Joan Lowell (Rye Tax Map 9.2 Lot No. 10) for work within 20-feet of the property line in accordance with Wt 304.04.

2004-02961 DAVIDSON, SALLY
DUBLIN Unnamed Wetland

Requested Action:

Dredge 2,288 square feet of palustrine emergent, scrub-shrub wetlands to construct a pond.

Conservation Commission/Staff Comments:

Conservation commission did not sign the expedited application.

APPROVE PERMIT:

Dredge 2,288 square feet of palustrine emergent, scrub-shrub wetlands to construct a pond.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. revised January 13, 2005, as received by the Department on January 18, 2005.
2. Work shall be done during low or non flow conditions.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
6. No fill shall be done for lot development.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(p), alteration of less than 20,000 sq ft of jurisdictional wetlands for pond construction.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-03013

IVERY, CLAIRE/PATRICK

BARRINGTON

Requested Action:

Replace a total of 57 linear feet of an existing 12-inch telephone pole retaining wall (29 linear feet and 28 linear feet) with a 12-inch concrete block retaining wall on a single family residential lot on Swains Lake with 124.3 feet of shoreline frontage.

Conservation Commission/Staff Comments:

The Barrington Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Replace a total of 57 linear feet of an existing 12-inch telephone pole retaining wall (29 linear feet and 28 linear feet) with a 12-inch concrete block retaining wall on a single family residential lot on Swains Lake with 124.3 feet of shoreline frontage.

With Conditions:

1. All work shall be in accordance with plans received by the Department on December 17, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
4. Work shall be done in the dry.
5. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Repair shall maintain existing size, location and configuration.
7. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
10. All excavated material and construction related debris shall be placed outside of the DES Wetlands Bureau jurisdiction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(c) Repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-03014

OAS, RICHARD

PITTSBURG First Connecticut Lake

Requested Action:

Approve "After the Fact" to construct a 4 ft by 20 ft seasonal dock with a 4 ft by 6 ft seasonal section at the lakeward end in a "T" configuration connected to a 4 ft by 6 ft concrete pad shoreward on 1st Connecticut Lake, Pittsburg.

Conservation Commission/Staff Comments:

No Con Com in the town of Pittsburg

APPROVE AFTER THE FACT:

Retain an existing 4 ft by 20 ft seasonal dock with a 4 ft by 6 ft seasonal section at the lakeward end in a "T" configuration connected to a 4 ft by 6 ft concrete pad shoreward on 1st Connecticut Lake, Pittsburg.

With Conditions:

1. The structures shall remain as shown on the plans received by the Department on December 17, 2004 and January 24, 2005.
2. This approval shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered approval shall be submitted to the DES Wetlands Bureau.
3. The seasonal pier shall be removed from the lake for the non-boating season.
4. No portion of the pier shall extend more than 24 feet from the shoreline at full lake elevation.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal dock.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
3. The applicant has submitted a letter from USGen New England giving the applicant permission to maintain the existing dock on the frontage.
4. Staff from the Bureau and USGen conducted numerous site inspections during the permitting process, the dock is the least impacting alternative for docking on this frontage.

2004-03035 JAMES, THOMAS & MARY
LACONIA Lake Winnisquam

Requested Action:

Install a 6 ft x 40 ft hinged dock with a seasonal boatlift on 150 ft of frontage on Lake Winnisquam.

APPROVE PERMIT:

Install a 6 ft x 40 ft hinged dock with a seasonal boatlift on 150 ft of frontage on Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as received by the Department on December 22, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. No portion of the 4 ft x 6 ft concrete pad shall extend lakeward of the normal high water line.
7. No portion of the seasonal pier shall extend more than 40 feet lakeward of the normal high water line.

8. All seasonal structures shall be removed from the lake annually for at least 5 months during the non-boating season.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(aa), construction of an anchoring pad for a seasonal dock and Administrative Rule Wt 303.04(a), construction of a seasonal pier.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-03093 SNOW, DAVID/NOREEN
BEDFORD Unnamed Wetland

Requested Action:

Dredge and fill 953 sq. ft. of wetlands and intermittent drainage to install twin 18" x 34' culverts for construction of a driveway to a single family house lot being subdivided off a larger lot with an existing house on it.

Conservation Commission/Staff Comments:

Con. Com. signed expedited application.

APPROVE PERMIT:

Dredge and fill 953 sq. ft. of wetlands and intermittent drainage to install twin 18" x 34' culverts for construction of a driveway to a single family house lot being subdivided off a larger lot with an existing house on it.

With Conditions:

1. All work shall be in accordance with plans by Sandford Surveying and Engineering dated 12/1/04, as received by the Department on 12/30/04.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
6. No fill shall be done for lot development.
7. This permit is contingent on approval by the DES Subsurface Systems Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert to access a single family lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

AGRICULTURE MINIMUM

2004-03074 OSBORNE, DAVID
PITTSFIELD Unnamed Wetland

Requested Action:

Fill 518 square feet of roadway reverted to wetland for access to existing hayfield.

Conservation Commission/Staff Comments:

The conservation commission did not comment on this application.

APPROVE PERMIT:

Fill 518 square feet of roadway reverted to wetland for access to existing hayfield.

With Conditions:

1. All work shall be in accordance with plans by Natural Resource Conservation Service, as received by the Department on January 25, 2005.
2. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
3. This permit shall be recorded with the county Registry of Deeds office by the permittee.
4. Work shall be done during periods of non-flow.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Fill shall be coarse to allow water to freely pass from one jurisdictional area to another.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(u), maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The project is in accordance with a plan developed to standards of the "Best Management Wetland Practices for Agriculture", N.H. department of agriculture, dated July 16, 1993.
3. That the project is necessary for and/or incidental to a preexisting and ongoing bonafide agricultural operation as defined by RSA 21:34-a;
4. The applicant's county conservation district certified that the plan is limited by those items addressed by the "Best Management Wetlands Practices for Agriculture", N.H. department of agriculture, dated July 16, 1993.

5. The project will cause alteration only to wet meadows except where specifically described in "Best Management Wetlands Practices for Agriculture", N.H. department of agriculture, dated July 16, 1993.
6. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

TRAILS NOTIFICATION

2004-03012 LAKESIDE COLONY LANDOWNERS ASSOC. OF PITTSBURG NH
PITTSBURG Unnamed Stream

Conservation Commission/Staff Comments:
See phone note

COMPLETE NOTIFICATION:
Pittsburg Tax Map various, Lot# various

PERMIT BY NOTIFICATION

2004-02358 DONNELLY, BRIAN
WOLFEBORO Lake Winnepesaukee

Requested Action:
In-kind repairs to existing docking structures on Lake Winnepesaukee with 220 feet of shoreline frontage.

Conservation Commission/Staff Comments:
The Wolfeboro Conservation Commission signed the PBN.

PBN IS COMPLETE:
In-kind repairs to existing docking structures on Lake Winnepesaukee with 220 feet of shoreline frontage.

2004-02925 FOULGER, CLAYTON
WOLFEBORO Lake Winnepesaukee

Requested Action:
In-kind repairs to one (1) existing 6ft.x12ft. crib as part of a U-shaped dock on Lake Winnepesaukee with 160 feet of shoreline frontage.

Conservation Commission/Staff Comments:
The Wolfeboro Conservation Commission DID NOT sign the PBN.

PBN IS COMPLETE:
In-kind repairs to one (1) existing 6ft.x12ft. crib as part of a U-shaped dock on Lake Winnepesaukee with 160 feet of shoreline frontage.

2005-00021 RAYMOND, TOWN OF
RAYMOND Lamprey River

Requested Action:

Dredge and fill 83 square feet (including 2.5 linear feet of impact) of bank along the Lamprey River for the installation of an 8-inch pipe as part of a dry hydrant for fire protection.

Conservation Commission/Staff Comments:

The Raymond Conservation Commission signed the PBN.

PBN IS COMPLETE:

Dredge and fill 83 square feet (including 2.5 linear feet of impact) of bank along the Lamprey River for the installation of an 8-inch pipe as part of a dry hydrant for fire protection.

2005-00038 TESSIER, PAULINE
BELMONT Unnamed Stream

Requested Action:

Rip-rap 2.5 ft by 50 linear feet of an intermittent stream for bank stabilization on a single family residential lot on 0.4 acres.

Conservation Commission/Staff Comments:

The Belknap Conservation Commission signed the PBN.

PBN IS COMPLETE:

Rip-rap 2.5 ft by 50 linear feet of an intermittent stream for bank stabilization on a single family residential lot on 0.4 acres.

2005-00094 LAFONTAINE, EDWARD
AUBURN Unnamed Wetland

Requested Action:

Fill a total of 264 square feet of forested wetland for the installation of a 18-inch by 28 foot culvert (impacting 230 square feet) and the installation of a 18-inch by 20 foot culvert (impacting 34 square feet) for access to a single family residential lot on 15.8 acres.

Conservation Commission/Staff Comments:

The Auburn Conservation Commission signed the PBN.

PBN IS COMPLETE:

Fill a total of 264 square feet of forested wetland for the installation of a 18-inch by 28 foot culvert (impacting 230 square feet) and the installation of a 18-inch by 20 foot culvert (impacting 34 square feet) for access to a single family residential lot on 15.8 acres.

With Findings:

1. In accordance with Rule Wt. 304.04 the applicant submitted a certified letter requesting written consent to two abutters identified as Jeffery Grieco (Tax Map 4 Lot 24-10) and Kathleen Haskins (Tax Map 4 Lot 24-8) for work within 20-feet of both property lines.
2. A letter dated January 4, 2005 from the abutter identified as Kathleen Haskins stating her objection to the proposed impacts. In addition, Ms. Haskins raised concerns with the drainage from the two sites flowing directly onto her property.
3. To this date, the Department has not received any correspondence from the abutter identified as Jeffery Grieco.

4. In reference to Ms. Haskins concerns, due to the slope of the topography the Department finds that the hydrology within the proposed site will not adversely affect Ms. Haskins property.

2005-00097 TRIDER, BETTY/EDWARD
SPRINGFIELD Roadside Ditch

Requested Action:

Fill 85 square feet of road-side drainage ditch to install a 15-inch by 20 foot culvert for access to a single family residential lot on 4.3 acres.

Conservation Commission/Staff Comments:

The Springfield Conservation Commission signed the PBN.

PBN IS COMPLETE:

Fill 85 square feet of road-side drainage ditch to install a 15-inch by 20 foot culvert for access to a single family residential lot on 4.3 acres.

2005-00099 JOTAPH REALTY LLC
STRATHAM Unnamed Wetland

Requested Action:

DES cannot permit subdivisions with the Permit By Notification process.

PBN DISQUALIFIED:

DES cannot permit subdivisions with the Permit By Notification process.